

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEVELOPMENT SPECIALISTS, INC.,	:	
in its capacity as Plan Administrator for	:	
Coudert Brothers LLP,	:	No. 11-cv-05994
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AKIN GUMP STRAUSS HAUER &	:	
FELD LLP,	:	
	:	
Defendant.	:	
	:	

**DEFENDANT AKIN GUMP STRAUSS HAUER & FELD LLP'S
STATEMENT OF MATERIAL FACTS PURSUANT TO
LOCAL CIVIL RULE 56.1**

Pursuant to Local Civil Rule 56.1, defendant Akin Gump Strauss Hauer LLP (“Akin Gump”) submits this statement of material facts as to which there is no genuine issue to be tried. In support hereof, Akin Gump submits an affidavit, filed in its own action.

1. Coudert Brothers LLP (“Coudert”) dissolved on August 16, 2005 (the “Dissolution Date”). (Declaration of Claire L. Huene, dated December 2, 2011 (“Huene Decl.”), Ex. A (Complaint); Ex. O (First Amended Disclosure Statement Relating to First Amended Plan of Liquidation of Coudert Brothers LLP, dated May 9, 2008)).

2. The individual identified in the Complaint was a former Coudert partner (the “Former Coudert Partner”). (Huene Decl., Ex. A).

3. The Former Coudert Partner joined Akin Gump after the Dissolution Date. (Affidavit of Frank Stenger-Castro, ¶ 2).

4. While partner at Coudert, the Former Coudert Partner represented various Coudert clients. After the Former Coudert Partner joined Akin Gump, certain Coudert clients (the “Clients”) retained Akin Gump to represent them and perform legal services on new matters separate and distinct from matters as to which they had previously retained Coudert (the “Matters”). (Huene Decl., Ex. A; Affidavit of Frank Stenger-Castro, ¶ 3).

5. Akin Gump only billed Clients for their services on the Matters on an hourly-rate basis. (Affidavit of Frank Stenger-Castro, ¶¶ 4, 5).

6. Akin Gump did not receive any payment or other compensation on the Matters for anything other than its own services. (*Id.*, ¶ 6).

Dated: New York, New York
December 9, 2011

QUINN EMANUEL URQUHART &
SULLIVAN LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December 2011, I caused the forgoing Defendant Akin Gump Strauss Hauer LLP's Statement of Material Facts Pursuant to Local Rule 56.1 to be served via the Court's Electronic Case Filing ("ECF") system and by electronic mail on counsel for plaintiff Development Specialists, Inc.

Dated: New York, New York
December 9, 2011

/s/ Christopher Clark
Christopher Clark